

S.N. 10/802,966
Response dated July 26, 2007
Reply to Office Action of May 1, 2007

REMARKS

The applicant has carefully reviewed and considered the Office Action of 1 May 2007 and acknowledges with appreciation the substantive allowance of claims 6-13 and 19. In response to this Office Action the applicant amends independent claims 1, 4 and 18 so as to more clearly patentably distinguish over the prior art. Additionally, substantively allowed claims 6 and 19 are rewritten in independent form. Accordingly, claim 6 and claims 7-12 dependent thereon as well as claim 19 are now placed in condition for formal allowance. Claims 17 and 20 are canceled without prejudice. The rejection of claims 1-5, 14-16 and 18 as well as the objection to the drawing figures are discussed in detail in the individual subsections below.

I. THE OBJECTION TO THE DRAWINGS UNDER 37 C.F.R. §1.83(a)

As amended, claim 1 explicitly provides that the air outlet is in the sidewall of the dirt collection vessel. Figure 3a clearly shows the outlet 226 in the sidewall 220. Accordingly, the amendment to claim 1 eliminates any requirement for revised drawing figures and the objection to the drawing figures should be withdrawn.

II. THE REJECTION OF CLAIMS 1-5, 14-16 AND 18 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY PUBLISHED U.S. PATENT APPLICATION NO. 2002/0046438 TO OH

As stated in MPEP §2131, **“TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM”** (capitalization and bold type in original).

Amended claim 1 provides that the dirt collection vessel includes a top wall, a side wall, and a bottom wall as well as an air inlet in the top wall and an air outlet in the side wall.

As best illustrated in Figure 2, the Oh reference discloses a dirt cup 30 including a lid 35 holding an inlet 36 and an outlet 37. Air is fed through the inlet 36 into a cyclonic separation chamber 32 that includes an outlet 32c leading to a dust receptacle 33. As further illustrated in Figure 3, the vacuum cleaner also includes a filtering chamber 13 that the Examiner equates to a dirt collection vessel.

The dirt cup 30 in the Oh reference includes a single air outlet 37 provided in the lid 35. Clearly, the Oh reference does not disclose an air outlet in the side wall. It is therefore clear that the Oh reference does not teach "every element of the claim" and, accordingly, the rejection of claim 1 as well as claims 2 and 3 dependent thereon is improper and should be withdrawn.

As amended, independent claim 4 emphasizes the fact that the second outlet of the cyclonic separation chamber bypasses the dirt collection vessel. In formulating the rejection of claim 4, the Examiner states in the Office Action that he considers the opening 32c between the cyclonic separation chamber 32 and the dirt collection chamber 33 to be the second outlet. Clearly this outlet does not bypass the "dirt collection vessel 13" in the Oh device as both the chambers 32 and 33 are connected to the vessel 13 by the single outlet 37. Accordingly, it is clear that the Oh reference fails to "teach every element of the claims" and, accordingly, claim 4 as well as claims 5 and 14-16 dependent thereon should be allowed.

As amended, independent claim 18 explicitly provides that the second outlet is in fluid communication with the first outlet and the second outlet bypasses the dirt cup. Clearly the opening 32c, considered by the Examiner to be the "second outlet", does not bypass the "dirt collection vessel 13" in the Oh device as both of the chambers 32 and 33 are connected to the vessel 13 by the single outlet 37. Accordingly, it is clear that the Oh reference fails to "teach every element of the claim" and claim 18 should be allowed.

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CONCLUSION

In summary, all the pending claims patentably distinguish over the prior art and should be formally allowed. Upon careful review and consideration it is believed that the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Warren D. Schickli", written in a cursive style.

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